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 9 NOVAMONT S.p.A.

10
 11 **UNITED STATES DISTRICT COURT**
FOR THE CENTRAL DISTRICT OF CALIFORNIA

12
 13 NOVAMONT S.p.A.,

14 Plaintiff,

15 v.

16 EARTHSHELL CORPORATION,

17 Defendant

18 ☒ Docketed
☒ Copies / NTC Sent
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☒ CLSD

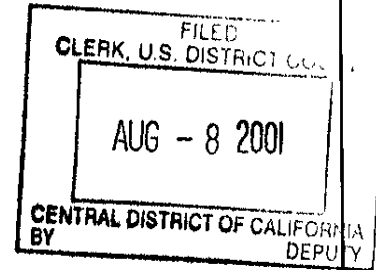
Case No. CV-00-3759 MRP

Judge Mariana R. Pfaelzer

**STIPULATION FOR DISMISSAL
 OF COMPLAINT AND
 COUNTERCLAIMS**

19 In accordance with Rule 41(a) and (c) of the Federal Rules of Civil Procedure,
 20 plaintiff Novamont S.p.A. ("Novamont") and defendant EarthShell Corporation ("EarthShell"), by
 21 and through their attorneys, hereby stipulate as follows:

- 22 1. All claims, affirmative defenses and counterclaims in the above-captioned matter
 23 have been voluntarily settled by the parties.
- 24 2. Accordingly, the parties agree that all counts of Novamont's Complaint against
 25 EarthShell in the above-captioned matter shall be dismissed in their entirety with prejudice.
- 26 3. The parties further agree that all of EarthShell's affirmative defenses and all counts
 27 of EarthShell's Amended Counterclaim against Novamont in the above-captioned matter
 28 shall be dismissed in their entirety without prejudice.



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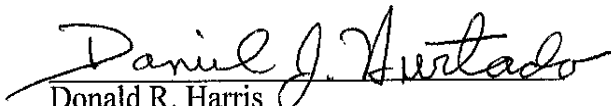
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4. Novamont and EarthShell each shall bear their own attorneys' fees and costs with respect to the foregoing dismissed counts, affirmative defenses and counterclaims.

5. This stipulation may be executed in counterparts, each of which, when combined, shall constitute one and the same instrument.

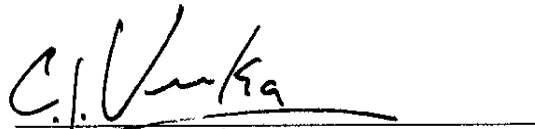
Dated: August 1, 2001

JENNER & BLOCK, LLC
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP


Donald R. Harris
Daniel J. Hurtado
Attorneys for Plaintiff
Novamont S.p.A.

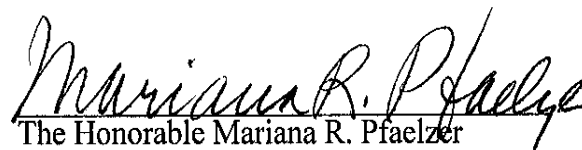
Dated: July 27, 2001

WORKMAN, NYDEGGER & SEELEY
MORRISON & FOERSTER LLP


Larry R. Laycock
C. J. Veverka
Attorneys for Defendant
EarthShell Corporation

IT IS SO ORDERED:

Dated: August 8, 2001


The Honorable Mariana R. Pfaelzer
United States District Judge

PROOF OF SERVICE BY MAIL

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of 18 years and not a party to the within action or proceeding. My business address is Sheppard, Mullin, Richter & Hampton LLP, 333 South Hope Street, 48th Floor, Los Angeles, California 90071, which is located in the county in which the within-mentioned mailing occurred. I am readily familiar with the practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence will be deposited with the United States Postal Service on the same day in the ordinary course of business.

On **August 6, 2001**, I served the following document(s): **STIPULATION FOR DISMISSAL OF COMPLAINT AND COUNTERCLAIMS**

by placing X a true copy the original in a separate envelope for each addressee named below, with the name and address of the persons served shown on the envelope as follows:

Sterling A. Brennan
Morrison & Foerster LLP
19900 MacArthur Boulevard, 12th Floor
Irvine, California 92612

Larry R. Laycock
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60 East South Temple, Suite 1000
Salt Lake City, Utah 84111

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One IBM Plaza
Chicago, IL 60611-09350


and by sealing the envelope and placing it in the appropriate location at my place of business for collection and mailing with postage fully prepaid in accordance with ordinary business practices.

Executed on August 6, 2001, at Los Angeles, California.



(Federal)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.


KRISTIN S. BROWN